IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

App. No.: 09/893,293
Filed: 06/26/2001
Applicant: Eimar M. Boesjes
For: Systems and methods for acquisition, evaluation, inventory, distribution, and/or re-sale of pre-owned recorded data products
Art Unit: 3627
Examiner: Joseph A Fischetti

APPEAL BRIEF UNDER 37 CFR § 41.37

CONTENTS

1. Real party in interest

The real parties in interest are the Applicants, Eimar M. Boesjes and Timothy C. A. Molteno.

2. Related appeals and interferences

There are no other related appeals or interferences known to Applicants or Applicants' Agent.

3. Status of claims

The application was originally filed with Claims 1-132.

During prosecution of the application, Claims 1-132 were cancelled and Claims 133-153 were added. Claims 133, 140, and 147 are independent claims.

Claims 133-153 were rejected in an Office Action dated 12/14/2005 and made Final.

Claims 133-153 remain pending in the application, stand rejected, and are under appeal. Claims 133, 140, and 147 are independent claims.

4. Status of amendments

No additional amendments have been filed after the Office Action of 12/14/2005.

5. Summary of claimed subject matter

The claimed subject matter includes various methods for acquisition, evaluation, inventory, distribution, and re-sale of pre-owned recorded data products by a data product re-seller. The claimed methods all include: (i) reading data from the product and identifying the product by comparing the data read to a product database (¶ [0028], page 9 lines 3-21); (ii) generating a quantitative data integrity rating for the product (¶ [0030]; page 10 lines 10-23); (iii) determining purchase and resale prices for the data product based on the quantitative data integrity rating and on information in the product database (¶ [0029], page 9 line 22 to page 10 line 9; ¶ [0031], page 10 line 24 to page 11 line 7); and (iv) updating the product database in response to purchase and re-sale of the data product (¶ [0031], page 10 line 24 to page 11 line 7).

The independent claims vary with respect to the specific method of generating the quantitative data integrity rating. Claim 133 recites enumeration of data subsets that are unreadable, erroneously read and uncorrected, and/or erroneously read and corrected (¶¶ [0039] and [0040], page 15 line 21 to page 16 line 26), and computing a quantitative data integrity rating on the basis of the enumeration. Claim 140 recites enumeration of data subsets that are erroneously read and subsequently corrected using error correction codes from the data product (¶ [0041], page 16 line 27 to page 17 line 7), and computing a quantitative data integrity rating on the basis of the enumeration. Claim 147 recites enumeration of such erroneously-read-but-corrected data subsets and determination of an over-sampling rate for the corrected data subsets (¶¶ [0041] to [0044], page 16 line 27 to page 18 line 16), and computing a quantitative data integrity rating based on the enumeration and the over-sampling rate.

Dependent claims recite: application of the methods to CD and DVD data products (¶ [0026], page 8 lines 3-19); user input of product data (¶ [0028], page 9 lines 3-21); identification of a music CD by analysis of the music data thereon (¶ [0036], page 13 line 20 to page 14 line 15); and verification of the data integrity rating by a buyer of a re-sold data product (¶ [0046], page 18 line 21 to page 19 line 15).

6. Grounds for rejection to be reviewed on appeal

As inferred by the Applicants from the Office Action of 12/14/2005, Claims 133-136, 138-143, 145-150, 152, and 153 stand rejected under 35 USC §103(a) as being unpatentable over Walker (US 6,415,264) in view of Heylen (US 6,525,469) and Kelly (The Montreal Gazette, Entertainment: SHOW 09/18/1993). Claims 137, 144, and 151 stand rejected under 35 USC §103(a) as being unpatentable over Walker in view of Heylen and Kelly and further in view of Delvin (US 5,857,707).

Regarding independent Claims 133, 140, and 147 (as inferred by the Applicants) it is asserted in the Office Action that Walker discloses a method for acquisition, evaluation, inventory, distribution, and re-sale of pre-owned products, including determining purchase and resale prices for the product based on product integrity and information in a product database, and updating the product database in response to purchase and re-sale of the product. It is further asserted that Kelly discloses a pre-

owned music CD market, and that it would have been obvious to apply the method of Walker to a used CD market. It is further asserted that Heylen discloses reading of data from a data product, comparing the data read to a database and identifying the product, enumerating data subsets that are unreadable, erroneously read and uncorrected, and/or erroneously read but corrected, and computing a data product integrity rating based on the enumeration, and that it would have been obvious to combine the teachings of Heylen with the method of Walker to arrive at the claimed methods.

Regarding dependent Claims 138, 139, 145, 146, 152, and 153, it is further asserted in the Office Action Heylen discloses "generating a unique track identifier id read as the error information of the master stored in datafile [*sic*]".

Claims 139, 146, and 153 stand rejected under 35 USC § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. It is asserted in the Office Action that these claims fail to further limit the invention in that they mention nothing about how the buyer is enabled to accomplish the given tasks.

Applicant respectfully traverses several of these assertions, on the grounds set forth in detail hereinbelow.

7. Arguments

Independent Claim133 and dependent Claims 134-137 stand or fall together on appeal, independent Claim 140 and dependent Claims 141-144 stand or fall together on appeal, and independent Claim 147 and dependent Claim 148-151 stand or fall together on appeal. Each of these three groups is considered by the Applicants to be patentable separately from the others. Dependent Claims 138, 145, and 152 stand or fall together on appeal (assuming none of their corresponding parent claims is allowable), and are considered patentable separately from the previously listed groups. Dependent Claims 139, 146, and 151 stand or fall together on appeal (assuming none of their corresponding parent claims is allowable), and are considered by the Applicants to be patentable separately from the previously listed groups.

Rejection of Claims 133-137 under 35 USC § 103

Claim 133 stands rejected under 35 USC § 103(a) over Walker in view of Heylen and Kelly. In particular, it is asserted on page 4 of the Office Action that Heylen "discloses computing … a quantitative data integrity rating for the data product (rating is read as the calculation discussed on col 8 lines 30-49 which computes an integrity rating for the disc determining if it is an original based on statistical analysis) using characteristic error information…". Applicants respectfully submit that characterizing the result of the calculation described in this cited passage of Heylen as a quantitative data integrity rating is inaccurate, and that Heylen fails to teach or suggest computation of a data integrity rating.

It should first be noted that the phrase "data integrity" can have very different interpretations. A first interpretation might be "What fraction (e.g., 90%, 99%, 99.9%, and so on) of the data originally present on the disc is readable, or readable without error?" A second interpretation might be "How likely is it that the data on the disc was derived from an authorized source?" The first interpretation (data integrity) is applicable to the instant application, while the second interpretation (disc provenance, or data authenticity) is applicable to Heylen. A given disc can be counterfeit and yet have perfectly intact data (i.e., a high quantitative data integrity rating according to the instant application), or can be authentic and yet have significantly degraded data or even be unreadable (i.e., a low quantitative data integrity rating according to the instant application).

Heylen teaches that the disc errors are compared to disc errors expected if the disc being tested is authentic, i.e., if the disc being tested was reproduced directly or indirectly from a valid master and therefore carries errors present on the master. The cited passage of Heylen describes a procedure for calculating a probability that the disc is authentic based on a statistical correlation of the errors on the disc and the expected errors. This might be characterized as a "data authenticity rating", but cannot be characterized reasonably as a "data integrity rating". Applicants respectfully submit that nowhere do Walker, Heylen, or Kelly teach or suggest computation of any quantity that can be characterized reasonably as a "quantitative data integrity rating".

Walker, Heylen, and Kelly collectively fail to teach or suggest determination of a purchase price or a re-sale price based on the quantitative data integrity rating. It is asserted that Walker discloses such a determination at col 6 lines 25 and 35-36. However, those passages disclose price determinations based on the reputation of the product owner (not the product itself) or on qualitative assessments of product quality made by the product owner. There is no teaching or suggestion in Walker, Heylen, or Kelly that a price determination should be based on a quantitative data integrity rating.

Since Walker, Heylen, and Kelly collectively fail to teach or suggest all elements and limitations of Claim 133, those references cannot establish *prima facie* obviousness (MPEP 2143.03). Accordingly, Applicants respectfully submit that the rejection under 35 USC § 103 of Claim 133 and dependent Claims 134-137 is improper, and respectfully request its reversal.

Rejection of Claims 140-144 under 35 USC § 103

Claim 140 stands rejected under 35 USC § 103(a) over Walker in view of Heylen and Kelly, for the same reasons given in the Office Action for rejecting Claim 133. Applicants respectfully traverse the rejection for the reasons given above for Claim 133, and for additional reasons given below.

Claim 140 differs from Claim 133 in that Claim 140 recites enumeration of data subsets erroneously read but subsequently corrected using error correction codes included on the data product. The Office Action is silent with respect to use of error correction codes. Walker, Heylen, and Kelly collectively fail to teach or suggest use of error correction codes, or computation of a data integrity rating based on an enumeration of erroneously read data corrected by such codes. Since Walker, Heylen, and Kelly collectively fail to teach or suggest all elements and limitations of Claim 140, those references cannot establish *prima facie* obviousness (MPEP 2143.03). Accordingly, Applicants respectfully submit that the rejection under 35 USC § 103 of Claim 140 and dependent Claims 141-144 is improper, and respectfully request its reversal.

Rejection of Claims 147-151 under 35 USC § 103

Claim 147 stands rejected under 35 USC § 103(a) over Walker in view of Heylen and Kelly, for the same reasons given in the Office Action for rejecting Claims 133 and 140. Applicants respectfully traverse the rejection for the reasons given above for Claim 133 and 140, and for additional reasons given below.

Claim 147 differs from Claim 140 in that Claim 147 recites determination of a over-sampled rating for data subsets erroneously read but subsequently corrected using error correction codes included on the data product. The Office Action is silent with respect to over-sampling. Walker, Heylen, and Kelly collectively fail to teach or suggest determination of over-sampling, or computation of a data integrity rating based on an over-sampled rating for corrected data. Since Walker, Heylen, and Kelly collectively fail to teach or suggest all elements and limitations of Claim 147, those references cannot establish *prima facie* obviousness (MPEP 2143.03). Accordingly, Applicants respectfully submit that the rejection under 35 USC § 103 of Claim 147 and dependent Claims 148-151 is improper, and respectfully request its reversal.

Rejection of Claims 138, 145, and 152 under 35 USC § 103

Claims 138, 145, and 152 stand rejected under 35 USC § 103(a) over Walker in view of Heylen and Kelly, for the reasons given above for Claims 133, 140 and 147, and for the additional reason stated on page 6 of the Office Action that "Heylen discloses generating a unique track identifier id read as the error information of the master stored in datafile."

Applicants respectfully traverse the rejection. There is no disclosure in Walker, Heylen, or Kelly pertinent to analyzing music data to generate unique track identification data. A search of the text of Heylen yields no instances of the terms "track identifier", "track id", datafile", or "data file". As previously stated in Applicants' response dated 05/06/2005, the generated identification data may be regarded as a "digital fingerprint" uniquely identifying the track, regardless of modification of more traditional identification data attached to the track (e.g., title, artist, album, and so forth, which may be altered without altering the music data of the track). This may be thought of as analogous to identifying a person by analyzing his or her DNA (not readily altered) as opposed to

looking at his or her driver's license (readily altered). Since an element or limitation of Claims 138, 145, and 152 is absent from the collective disclosure of the cited references, those references cannot establish *prima facie* obviousness (MPEP § 2143.03). Accordingly, Applicants respectfully submit that the rejection under 35 USC § 103 of Claims 138, 145, and 152 is improper, and respectfully request its reversal.

Rejection of Claims 139, 146, and 153 under 35 USC § 103

Claims 139, 146, and 153 stand rejected under 35 USC § 103(a) over Walker in view of Heylen and Kelly, for the reasons given above for Claims 133, 140 and 147, and for the additional reason stated on page 6 of the Office Action that "Heylen discloses generating a unique track identifier id read as the error information of the master stored in datafile."

Applicants respectfully traverse the rejection. First, there is nothing in the reason given for the rejection that is pertinent to enabling a buyer to evaluate the integrity of the data set or to compute a data integrity rating of the re-sold product. Second, there is no disclosure in Walker, Heylen, or Kelly pertinent to enabling a buyer to evaluate the integrity of the data set or to compute a data integrity rating for a re-sold product. Since an element or limitation of Claims 139, 146, and 153 is missing from the collective disclosure of the cited references, those references cannot establish *prima facie* obviousness (MPEP § 2143.03). Accordingly, Applicants respectfully submit that the rejection under 35 USC § 103 of Claims 139, 146, and 153 is improper, and respectfully request its reversal.

Rejection of Claims 139, 146, and 153 under 35 USC § 112

Claims 139, 146, and 153 stand rejected under 35 UCS § 112. It is asserted on page 2 of the Office Action that "These claims fail to further limit the invention in that they mention nothing about how the buyer is enabled to accomplish the given task."

Applicants respectfully traverse this assertion, and respectfully submit that Claims 139, 146, and 153 do in fact particularly point out and distinctly claim the subject matter regarded by the Applicants as the invention. In particular, Applicants are unaware of any provision in the statue or rules requiring that instructions be provided within a claim for carrying out a recited step. The step recited in Claims 139, 146, and

153 is clearly enabled in the specification at ¶ [0046] (page 18 line 21 to page 19 line 15), wherein various procedures are disclosed for enabling a buyer to accomplish the tasks of evaluating the integrity of the data set and computing the data integrity rating for the re-sold product. It is those procedures, and equivalents thereof, that are encompassed by Claims 139, 146, and 153. There is no ambiguity in the scope of those claims, either for determining patentability or infringement (MPEP § 2173). Accordingly, Applicants respectfully submit that the rejection under 35 USC § 112 of Claims 139, 146, and 153 is improper, and respectfully request its reversal.

Conclusion

In view of the above, Applicants respectfully submit that the rejection of Claims 133-153 under 35 USC § 103 and the rejection of Claims 139, 146, and 153 under 35 USC § 112 are improper, and respectfully request that the Board reverse the rejections.

Respectfully submitted,

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8. Claims appendix

Claims 133-153 are pending, under consideration, and involved in this appeal. Claims 1-132 are cancelled. The claims are:

1.-132. **(cancelled)**

133. **(previously presented)** A method for acquisition, evaluation, inventory, distribution, and re-sale of pre-owned recorded data products by a data product re-seller, the method comprising:

reading, using a readout device operatively coupled to a programmed electronic processor, data from a data product offered by an owner of the data product;

comparing, by means of the programmed electronic processor, data read from the data product with data in a data product information database, the product information database residing on a storage medium operatively coupled to the programmed electronic processor;

identifying, by means of the programmed electronic processor, the data product, if the data product is identified as being listed in the data product information database;

enumerating, by means of the programmed electronic processor,

a) subsets of the data read from the data product that are unreadable, and subsets of the data read from the data product that are erroneously read and uncorrected,

b) subsets of the data read from the data product that are unreadable, and subsets of the data read from the data product that are initially erroneously read and subsequently corrected,

or

c) subsets of the data read from the data product that are erroneously read and uncorrected, and subsets of the data read from the data product that are initially erroneously read and subsequently corrected;

computing, by means of the programmed electronic processor, a quantitative data integrity rating for the data product using

a) enumeration of subsets of the data read from the data product that are unreadable, and enumeration of subsets of the data read from the data product that are erroneously read and uncorrected,

b) enumeration of subsets of the data read from the data product that are unreadable, and enumeration of subsets of the data read from the data product that are initially erroneously read and subsequently corrected,

or

c) enumeration of subsets of the data read from the data product that are erroneously read and uncorrected, and enumeration of subsets of the data read from the data product that are initially erroneously read and subsequently corrected;

determining, by means of the programmed electronic processor, a purchase price for the data product to be offered by the re-seller to the owner of the data product, the purchase price being determined based on i) the quantitative data integrity rating for the data product, and ii) inventory information for the data product from a data product inventory database, order information for the data product in a data product order database, or previous purchase and re-sale information for the data product from a data product sales database, the data product inventory database, the data product order database, and the data product sales database residing on a storage medium operatively coupled to the programmed electronic processor;

updating, by means of the programmed electronic processor and in response to a purchase of the data product from the owner by the re-seller, inventory information for the data product in the data product inventory database;

determining, by means of the programmed electronic processor, a re-sale price for the data product to be offered by the re-seller to a buyer of the data product, the purchase price being determined based on i) the quantitative data integrity rating for the data product, and ii) inventory information for the data product in the data product inventory database, order information for the data product in the data product order database, or purchase and re-sale information for the data product in the data product sales database; and

updating, by means of the programmed electronic processor and in response to a re-sale of the data product by the re-seller to the buyer, inventory information for the data product in the data product inventory database, order information for the data product in the data product order database, or purchase and re-sale information for the data product in the data product sales database.

134. **(previously presented)** The method of Claim 133, wherein the data product comprises a CD.

135. **(previously presented)** The method of Claim 133, wherein the data product comprises a DVD.

136. **(previously presented)** The method of Claim 133, further comprising prompting a user to enter data product information for the data product into the data product information database, if the data product is not identified as being listed in the product information database.

137. **(previously presented)** The method of Claim 133, wherein the data product is a music CD, the data product databases are music CD databases, and the method further comprises:

reading and storing in the music CD information database any of track information, title, and artist from the CD that is not already stored in the music CD database;

prompting a user to scan cover art of the music CD and storing cover art thus scanned into the music CD information database, if the cover art is not already present in the music CD database;

prompting a user to scan lyrics of the music CD and storing lyrics thus scanned into the music CD information database, if the lyrics are not already present in the music CD database; or

prompting a user to scan liner notes of the music CD and storing liner notes thus scanned into the music CD information database, if the liner notes are not already present in the music CD database.

138. **(previously presented)** The method of Claim 133, wherein the data product is a music CD, the data product information database is a music CD information database, and the method further comprises:

analyzing, by means of the programmed electronic processor, music data recorded on tracks of the music CD to generate unique track identification data therefor; and

storing the generated track identification information in the music CD information database.

139. **(previously presented)** The method of Claim 133, further comprising enabling the buyer independently to evaluate quantitatively the integrity of the data set recorded on a re-sold data product and to compute the quantitative data integrity rating for the re-sold data product, thereby enabling the buyer to verify the quantitative data integrity rating of the re-sold data product and to compare it to a re-seller-reported quantitative data integrity rating.

140. **(previously presented)** A method for acquisition, evaluation, inventory, distribution, and re-sale of pre-owned recorded data products by a data product re-seller, the method comprising:

reading, using a readout device operatively coupled to a programmed electronic processor, data from a data product offered by an owner of the data product;

comparing, by means of the programmed electronic processor, data read from the data product with data in a data product information database, the product information database residing on a storage medium operatively coupled to the programmed electronic processor;

identifying, by means of the programmed electronic processor, the data product, if the data product is identified as being listed in the data product information database;

enumerating, by means of the programmed electronic processor, data subsets that are initially erroneously read and subsequently corrected using error correction codes included on the data product;

computing, by means of the programmed electronic processor, a quantitative data integrity rating for the data set using the enumeration of erroneously-read-and-corrected data subsets;

determining, by means of the programmed electronic processor, a purchase price for the data product to be offered by the re-seller to the owner of the data product, the purchase price being determined based on i) the quantitative data integrity rating for the data product, and ii) inventory information for the data product from a data product inventory database, order information for the data product in a data product order database, or previous purchase and re-sale information for the data product from a data product sales database, the data product inventory database, the data product order database, and the data product sales database residing on a storage medium operatively coupled to the programmed electronic processor;

updating, by means of the programmed electronic processor and in response to a purchase of the data product from the owner by the re-seller, inventory information for the data product in the data product inventory database;

determining, by means of the programmed electronic processor, a re-sale price for the data product to be offered by the re-seller to a buyer of the data product, the purchase price being determined based on i) the quantitative data integrity rating for the data product, and ii) inventory information for the data product in the data product inventory database, order information for the data product in the data product order database, or purchase and re-sale information for the data product in the data product sales database; and

updating, by means of the programmed electronic processor and in response to a re-sale of the data product by the re-seller to the buyer, inventory information for the data product in the data product inventory database, order information for the data product in the data product order database, or purchase and re-sale information for the data product in the data product sales database.

141. **(previously presented)** The method of Claim 140, wherein the data product comprises a CD.

142. **(previously presented)** The method of Claim 140, wherein the data product comprises a DVD.

143. **(previously presented)** The method of Claim 140, further comprising prompting a user to enter data product information for the data product into the data product information database, if the data product is not identified as being listed in the product information database.

144. **(previously presented)** The method of Claim 140, wherein the data product is a music CD, the data product databases are music CD databases, and the method further comprises:

reading and storing in the music CD information database any of track information, title, and artist from the CD that is not already stored in the music CD database;

prompting a user to scan cover art of the music CD and storing cover art thus scanned into the music CD information database, if the cover art is not already present in the music CD database;

prompting a user to scan lyrics of the music CD and storing lyrics thus scanned into the music CD information database, if the lyrics are not already present in the music CD database; or

prompting a user to scan liner notes of the music CD and storing liner notes thus scanned into the music CD information database, if the liner notes are not already present in the music CD database.

145. **(previously presented)** The method of Claim 140, wherein the data product is a music CD, the data product information database is a music CD information database, and the method further comprises:

analyzing, by means of the programmed electronic processor, music data recorded on tracks of the music CD to generate unique track identification data therefor; and

storing the generated track identification information in the music CD information database.

146. **(previously presented)** The method of Claim 140, further comprising enabling the buyer independently to evaluate quantitatively the integrity of the data set recorded on a re-sold data product and to compute the data integrity rating for the re-sold data product, thereby enabling the buyer to verify the data integrity rating of the re-sold data product and to compare it to re-seller-reported data integrity rating.

147. **(previously presented)** A method for acquisition, evaluation, inventory, distribution, and re-sale of pre-owned recorded data products by a data product re-seller, the method comprising:

reading, using a readout device operatively coupled to a programmed electronic processor, data from a data product offered by an owner of the data product;

comparing, by means of the programmed electronic processor, data read from the data product with data in a data product information database, the product information database residing on a storage medium operatively coupled to the programmed electronic processor;

identifying, by means of the programmed electronic processor, the data product, if the data product is identified as being listed in the data product information database;

enumerating, by means of the programmed electronic processor, data subsets that are initially erroneously read and subsequently corrected using error correction codes included on the data product;

determining, by means of the programmed electronic processor, an over-sampled rating for the erroneously-read-and-corrected data subsets;

computing, by means of the programmed electronic processor, a quantitative data integrity rating for the data product using enumeration of the erroneously-read-and-correct data subsets and the over-sampled rating of the erroneously-read-and-corrected data subsets;

determining, by means of the programmed electronic processor, a purchase price for the data product to be offered by the re-seller to the owner of the data product, the purchase price being determined based on i) the quantitative data integrity rating for the data product, and ii) inventory information for the data

product from a data product inventory database, order information for the data product in a data product order database, or previous purchase and re-sale information for the data product from a data product sales database, the data product inventory database, the data product order database, and the data product sales database residing on a storage medium operatively coupled to the programmed electronic processor;

updating, by means of the programmed electronic processor and in response to a purchase of the data product from the owner by the re-seller, inventory information for the data product in the data product inventory database;

determining, by means of the programmed electronic processor, a re-sale price for the data product to be offered by the re-seller to a buyer of the data product, the purchase price being determined based on i) the quantitative data integrity rating for the data product, and ii) inventory information for the data product in the data product inventory database, order information for the data product in the data product order database, or purchase and re-sale information for the data product in the data product sales database; and

updating, by means of the programmed electronic processor and in response to a re-sale of the data product by the re-seller to the buyer, inventory information for the data product in the data product inventory database, order information for the data product in the data product order database, or purchase and re-sale information for the data product in the data product sales database.

148. **(previously presented)** The method of Claim 147, wherein the data product comprises a CD.

149. **(previously presented)** The method of Claim 147, wherein the data product comprises a DVD.

150. **(previously presented)** The method of Claim 147, further comprising prompting a user to enter data product information for the data product into the data product information database, if the data product is not identified as being listed in the product information database.

151. **(previously presented)** The method of Claim 147, wherein the data product is a music CD, the data product databases are music CD databases, and the method further comprises:

reading and storing in the music CD information database any of track information, title, and artist from the CD that is not already stored in the music CD database;

prompting a user to scan cover art of the music CD and storing cover art thus scanned into the music CD information database, if the cover art is not already present in the music CD database;

prompting a user to scan lyrics of the music CD and storing lyrics thus scanned into the music CD information database, if the lyrics are not already present in the music CD database; or

prompting a user to scan liner notes of the music CD and storing liner notes thus scanned into the music CD information database, if the liner notes are not already present in the music CD database.

152. **(previously presented)** The method of Claim 147, wherein the data product is a music CD, the data product information database is a music CD information database, and the method further comprises:

analyzing, by means of the programmed electronic processor, music data recorded on tracks of the music CD to generate unique track identification data therefor; and

storing the generated track identification information in the music CD information database.

153. **(previously presented)** The method of Claim 147, further comprising enabling the buyer independently to quantitatively evaluate the integrity of the data set recorded on a re-sold data product and to compute the data integrity rating for the re-sold data product, thereby enabling the buyer to verify the data integrity rating of the re-sold data product and compare it to re-seller-reported data integrity rating.

9. Evidence appendix

There is no evidence.

10. Related proceedings appendix

There is no related proceeding.